

The High Cost of Snooping

With disarming candor and good humor, Internal Revenue Commissioner Sheldon S. Cohen has been defending his embattled Bureau against criticism that has grown out of the revelation of investigating excesses by a Senate Subcommittee. Addressing the American Institute of Certified Public Accountants recently, he made a clean-breast confession that "in a few cases, in the organized crime area, without the knowledge of its top officials, a few of our criminal investigators engaged in wiretapping." And then the Commissioner added a simple and, in our view, most commendable declaration: "Wiretapping is wrong whether it is done wholesale or retail."

As Mr. Justice Roberts said many years ago, "The plain words of Sec. 605 (of the Federal Communications Act) forbid anyone, unless authorized by the sender, to intercept a telephone message, and direct in equally clear language that *no person* shall divulge or publish the message or its substance to *any person*." This clear command ought to be recognized and obeyed, by every Federal bureau.

Commissioner Cohen has taken remedial action against practices instituted before he assumed office. But he fears that the "relatively few cases of wiretapping have been so publicized as to give the impression of widespread use of electronic devices." And he pleaded, in extenuation, that all of the violations "were in the organized crime area and did not involve the average taxpayer."

Here is the very root of the wiretapping evil. When law enforcement authorities resort to it at all, they create at once an anxiety that their resort to it is widespread; and when they say they are employing it only against "organized crime" or against espionage, they make the average taxpayer wonder how loosely they may be defining these terms. Thus the effect of their violation of law is to diminish respect for the law in general and, worse, to put a serious damper upon that freedom of communication which is indispensable to a free society.